

Message Text

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ACTION DHA-02

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SUBJECT: HUMAN RIGHTS

REF: A. STATE 45319; B. 75 JIDDA 1431; C. 74 JIDDA 2165

1. THE SAUDI ARABIAN GOVERNMENT IS MONARCHICAL. THE COUNTRY HAS NO WRITTEN CONSTITUTION. THE CONCEPT OF A WRITTEN SECULAR CONSTITUTION OR EVEN AN "ORGANIC LAW" FOR THE KINGDOM IS OPPOSED BY INFLUENTIAL TRADITIONAL AND RELIGIOUS ELEMENTS WHO MAINTAIN THAT A CONSTITUTION WOULD BE NEITHER DESIRABLE NOR APPROPRIATE, SINCE THE COUNTRY IS NOW RULED BY THE PRINCIPLES OF THE KORAN AND IN ACCORDANCE WITH SHARI' (MUSLIN CANON) LAW. SUCH ELEMENTS (WHICH REPRESENT THE NORMATIVE POLITICAL PHILOSOPHY OF THE KINGDOM) MAINTAIN IT WOULD BORDER ON SACRILEGE TO SUGGEST THAT THE COUNTRY COULD BE RUN BETTER IN ACCORDANCE WITH LAWS DEVISED BY MAN.

2. WHILE THE POWERS OF THE KING ARE NOT PRECISELY DEFINED BY LAW OR A CONSTITUTION, THEY ARE BY NO MEANS ABSOLUTE AND THE POWERS OF GOVERNMENT ARE NOT EXERCISED IN AN ARBITRARY FASHION. THE SAUDI ARABIAN GOVERNMENT IS

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HIGHLY TRADITIONAL AND THE POWERS OF THE KING ARE

CIRCUMSCRIBED BY THE NEED TO CONFORM TO ACCEPTED TRADITIONAL SECULAR AND RELIGIOUS NORMS. EFFECTIVE GOVERNMENT DEPENDS UPON THE OBTAINING OF A CONSENSUS OF A BROAD RANGE OF RELIGIOUS, TRIBAL AND OTHER LEADERS. NO STATE OF EMERGENCY, MARTIAL LAW, OR OTHER EXTRAORDINARY CONDITION EXISTS IN THE KINGDOM AND THERE IS NO SPECIFIC LEGAL PROVISION FOR THE DECLARATION OF SUCH CONDITIONS. HOWEVER, SHOULD THE GOVERNMENT DETERMINE THAT THE SECURITY SITUATION DEMANDED EXTRAORDINARY MEASURES, IT WOULD BE WITHIN THE CUSTOMARY AUTHORITY OF THE GOVERNMENT TO TAKE SUCH STEPS AS IT CONSIDERED NECESSARY. THE TRADITIONAL CONSTRAINTS ON THE GOVERNMENT ABOVE WOULD CONTINUE TO OPERATE, HOWEVER.

3. WE CONSIDER THE RECORD OF THE SAG WITH RESPECT TO HUMAN RIGHTS TO BE QUITE GOOD. THE GOVERNMENT DOES NOT USE ARBITRARY ARREST AND DETENTION AS A TOOL OF POLICY. A NUMBER OF AIR FORCE OFFICERS AND SOME CIVILIANS WERE ARRESTED IN THE WAKE OF A 1969 NASSERIST PLOT AGAINST THE GOVERNMENT, BUT TO THE BEST OF OUR KNOWLEDGE ALL OF THE CIVILIANS AND ALMOST ALL OF THE OFFICERS HAVE SINCE BEEN RELEASED AND REHABILITATED. WE UNDERSTAND THAT THE FAMILIES OF THE DETAINED CONTINUED TO RECEIVE THEIR SALARIES DURING THE PERIOD OF DETENTION AND THAT THE INDIVIDUALS THEMSELVES WERE HUMANELY TREATED.

4. THE THEORY AND PRACTICE OF CRIMINAL LAW IN SAUDI ARABIA IS ESSENTIALLY MOSAIC (ALTHOUGH THAT TERM IS NOT USED). JUSTICE TENDS TO BE SWIFT AND OFTEN SEVERE, PARTICULARLY IN REGARD TO COMMON CRIMINAL OFFENSES SUCH AS MURDER, RAPE AND THEFT, THOUGH IT IS IN PRACTICE TEMPERED WITH COMMON SENSE AND COMPASSION.

5. THE SAUDI PRISON SYSTEM LEAVES A GREAT DEAL TO BE DESIRED; HEALTH AND SANITARY CONDITIONS ARE OFTEN VERY BAD AND WE HAVE HEARD OF A NUMBER OF INSTANCES OF CASUAL BRUTALITY BY POORLY PRISON PERSONNEL. BRUTALITY AND MISTREATMENT OF PRISONERS ARE NOT OFFICIALLY CONDONED, HOWEVER, AND OFFENDERS ARE LIABLE TO PUNISHMENT. MOREOVER, THE GOVERNMENT HAS TAKEN OFFICIAL COGNIZANCE OF THE LIMITED OFFICIAL USE

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SHORTCOMINGS OF ITS PENAL SYSTEM, HAS COMMISSIONED AND IS NOW STUDYING A DETAILED PROGRAM FOR REFORM, AND HAS ALLOCATED LARGE AMOUNTS OF MONEY FOR PRISON CONSTRUCTION AND OTHER IMPROVEMENTS TO THE SYSTEM, INCLUDING THE TRAINING AND EMPLOYMENT OF EXPERTS IN VARIOUS KINDS OF REHABILITATION.

6. IN THE ABSENCE OF A PATTERN OR EVEN DOCUMENTABLE

INSTANCES OF HUMAN RIGHTS VIOLATIONS IN SAUDI ARABIA, THE EMBASSY HAS NEVER RAISED THIS SUBJECT OFFICIALLY WITH THE SAG. AS THE SAG REGARDS ITS RECORD IN THIS AREA AS GOOD AND THE BASIS OF ITS JUDICIAL SYSTEM (THE KORAN) TO BE SUPERIOR TO THAT IN EFFECT IN THE US AND ELSEWHERE IN THE WEST, SUCH INTERVENTION WOULD BE NEITHER WELL RECEIVED NOR EFFECTIVE AND WOULD BE DETRIMENTAL TO GOOD SAUDI-US RELATIONS.

7. THE EMBASSY HAS INTERVENED WITH SAG OFFICIALS ON A NUMBER OF OCCASIONS TO ENSURE EQUAL AND HUMANE TREATMENT FOR US CITIZENS IMPRISONED IN SAUDI ARABIA FOR VARIOUS CRIMINAL OFFENSES. THESE INTERVENTIONS, NORMALLY UNDERTAKEN AT THE APPROPRIATE LOCAL OR PROVINCIAL LEVEL, HAVE GENERALLY BEEN WELL RECEIVED AND EFFECTIVE IN THE PROTECTION OF THE INTERESTS OF US CITIZENS.
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